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August 26, 2008

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Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street, Room 1050
New York, NY 10007

*Time is enlarged as requested,
but will not again be enlarged.
8-26-08
C. Walker-Diallo*

Re: Viguera v. New York City Health and Hospitals Corporation
07 Civ. 07227 (AKH) (AJP)
Our Number: 2007-027449

Dear Judge Hellerstein:

I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants in the above case, as well as in Viguera v. HHC, et. al, 08 Civ. 3807. As I advised your Honor in my letter dated August 22, 2008, these cases were recently reassigned to me on August 20, 2008 upon the departure of former Assistant Corporation Counsel Kami Barker. Ms. Barker has relocated to Israel.

In my prior letter, I requested an extension of time from August 30, 2008 to October 15, 2008 for the parties to complete discovery in this case. I also requested an extension of time from October 30, 2008 to December 16, 2008 for defendant to serve its summary judgment motion. As noted in my prior letter, this is defendant's first request for an extension of the discovery period and defendant's first request for an extension of time to serve its summary judgment motion. By endorsed Order dated August 25th, the Court denied these requests with permission to renew such requests after communicating with plaintiff's counsel¹ and explaining what has been done on this case during the original discovery period set by the Court. I have now spoken with plaintiff's counsel, Mr. Roosevelt Seymour, and he consents to this request.

¹ My prior letter noted that my attempts to reach plaintiff's counsel by e-mail and telephone had not been successful as of the time the letter was sent.

HONORABLE ALVIN K. HELLERSTEIN

United States District Judge

Viguera v. New York City Health and Hospitals Corporation

07 Civ. 07227 (AKH) (AJP)

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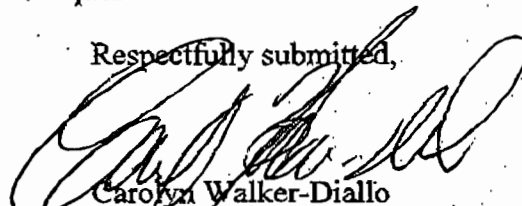
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My review of Ms. Barker's reassignment memorandum indicates that substantial work was done on this case during the initial discovery period. The reassignment memorandum and the docket sheet also indicate activity in the Viguera 08 Civ. 3807 during the period, including a motion to dismiss the complaint, which was subsequently withdrawn by defendant's counsel. Since defendant answered the Amended Complaint in April, the parties have engaged in document discovery. On or about July 14, 2008, plaintiff responded to defendant's discovery demand. Defendant's prior counsel appears to have obtained and reviewed documents in response to plaintiff's requests, and these documents are currently in the process of being copied and bates stamped, subject to my further review before releasing the documents to plaintiff. However, due to my pre-existing work obligations, which includes filing a comprehensive summary judgment motion in the consolidated case: Bey v. City of New York, 99 Civ. 3873 on August 30, 2008, I will need additional time to familiarize myself with the facts of the case prior to taking depositions and completing discovery in this matter. Once I complete the necessary discovery, I will be able to make a determination as to whether defendant has a viable motion for summary judgment in this case. As noted above, plaintiff's counsel has consented to this revised schedule.

For the foregoing reasons, defendant respectfully requests an extension of time until October 30, 2008 to complete discovery and until December 15, 2008 to file its summary judgment motion in this action.

Thank you for your consideration of this request.

Respectfully submitted,



Carolyn Walker-Diallo
Assistant Corporation Counsel

c: Roosevelt Theodore Seymour (By Facsimile)